IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1580 OF 2003
IN
EXECUTION APPLICATION NO.271 OF 2003
IN
THANE CIVIL SUIT NO.237 OF 1996

M/s.S.P.Associates and others — Plaintiffs

versus

Patel Plaza Pvt.Ltd. — Defendants

and

Patel Roadways Limited — Applicants

ALONGWITH
CHAMBER SUMMONS NO.1581 OF 2003
IN
EXECUTION APPLICATION NO.271 OF 2003
IN
THANE CIVIL SUIT NO.237 OF 1996

M/s.S.P.Associates and others — Plaintiffs

versus

Patel Plaza Pvt.Ltd. — Defendants

and

Wall Street Housing and Finance Corporation Limited — Applicants

ALONGWITH
CHAMBER SUMMONS NO.1582 OF 2003
IN
EXECUTION APPLICATION NO.271 OF 2003
IN
THANE CIVIL SUIT NO.237 OF 1996

M/s.S.P.Associates and others Plaintiffs

versus

Patel Plaza Pvt.Ltd. Defendants

and

Natasha Construction Pvt.Ltd. Applicants

ALONGWITH
CHAMBER SUMMONS NO.1583 OF 2003
IN
EXECUTION APPLICATION NO.271 OF 2003
IN
THANE CIVIL SUIT NO.237 OF 1996

M/s.S.P.Associates and others Plaintiffs

versus

Patel Plaza Pvt.Ltd. Defendants

and

A.S.Patel Trust Applicants

Ms.Alpana Ghone i/by Shah & Sanghavi for judgement creditors.

Mr.Das Gupta i/by Jhangiani Narula & Associates for principal debtors.

Mr.D.D.Madon with H.N.Thakore, Ms.Agnes Baradia i/by Thakore Jariwalla & Associates for applicants 1 to 5.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd July 2006

PC :

1. On Chamber Summons No.1580 of 2003 which was heard along with others, on 25th April 2006 I had

passed an order making the same absolute in terms of prayer clause (b).

2. However, on that date itself it was indicated by the counsel appearing for parties that they are agreeable to disposal of all Chamber Summonses in a manner which would not prevent the decree holders from executing their money decree in accordance with law against judgement debtors. In other words, as far as properties, assets as also bank accounts of the judgement debtors are concerned, the order passed in the applicant's Chamber Summons would not prevent the decree holders from proceeding against them.

3. Accordingly, it is agreed between parties that as far as properties and assets of the applicants in each of the Chamber Summonses are concerned, the attachment levied thereon vide attachment warrant dated 24th July 2003 stands set aside and all properties of the applicants are released from Attachment.

4. This order does not prevent the decree holders from taking such proceedings as are permissible in law for executing the money decree and attaching the properties and assets of the

judgement debtors in accordance with law.

5. The judgement debtors have deposited a sum of Rs.16.00 lakh in this Court subject to the out come of First Appeal No.678 of 2004. The deposit is pursuant to the order of the Division Bench in Civil Application No.3126 of 2003 in the above first appeal. As stated in this order, the decree holders are permitted to withdraw a sum of Rs.15.00 lakh out of the sum of Rs.16.00 lakh deposited in this Court, subject of course to the final judgement and order in the appeal and without prejudice to the rights and contentions of judgement debtors therein.

6. It is also clarified that this order does not prevent the decree holders from applying to this Court to attach properties listed in the Chamber Summons, if the judgement debtors have any right, title and interest therein subject of course to the rights of the applicants in these Chamber Summonses. All Chamber Summonses are accordingly allowed and it is directed that the properties of the applicants shall stand released from the attachment. No order as to costs.

7. The applicants have tendered in evidence in

these proceedings, original documents which have been marked as exhibits. However, upon conclusion of these proceedings, as per rules, all originals be returned subject to photostat copies thereof being placed on record duly certified by the advocates. Prothonotary and Senior Master of this Court to act on an ordinary copy of this order duly authenticated by registry.

(S.C.DHARMADHIKARI, J.)